

#5

Attorney Docket No. 9289-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gary Mitchell et al;

Serial No.: 09/998,039

Confirmation No. 6067

Filed: November 30, 2001

For: BICEPS CURL MACHINE

Date: February 19, 2002

BOX MISSING PARTS

Commissioner for Patents

Washington, DC 20231

**SUBMITTAL OF DECLARATION
UNDER 37 C.F.R. § 1.63**

Sir:

In response to the Notice to File Missing Parts of Application-Filing Date Granted (PTO-1533), mailed December 18, 2001, enclosed is a Declaration and Power of Attorney for the above-identified application, which has been executed by the named inventors.

A check in the amount of \$130.00 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e).

If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

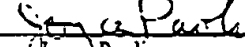
Respectfully submitted,


James R. Cannon
Registration No. 35,839

Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on February 19, 2002

Signature: 
Joyce Paoli

Date of Signature: February 19, 2002

45

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 9289-3

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BICEPS CURL MACHINE**,

the specification of which

☐ is attached hereto

OR

☒ was filed on November 30, 2001 as United States Application No. or PCT International Application Number 09/998,039 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/299,538	6/20/2001
Application Number(s)	Filing Date (MM/DD/YYYY)
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below.

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international applications filed by me with an appropriate receiving office claiming priority to the U.S. application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

Customer Number:



20792

PATENT TRADEMARK OFFICE

Send correspondence to:

James R. Cannon

Customer Number:



20792

PATENT TRADEMARK OFFICE

Direct telephone calls to:

James R. Cannon

(919) 854-1400

Facsimile:

(919) 854-1401

Full name of (first/sole) inventor: Gary Mitchell

Inventor's

Signature: Gary MitchellDate: 2-18-02

Residence:

Independence, Virginia, United States

Citizenship:

the United States of America

Mailing Address:

5630 Wilson Hwy.

Independence, VA 24348

Full name of second inventor: Gregory M. Webb

Inventor's
Signature: Gregory M. Webb Date: 2-18-02

Residence: Independence, Virginia 24348

Citizenship: the United States of America

Mailing Address: P.O. Box 665
Independence, VA 24348

#10

ASSIGNMENT RECORDATION FORM COVER SHEET *Patents Only*

To the Honorable Commissioner of Patents and Trademarks:

Date: February 19, 2002
Attorney Docket No. 9289-3

Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Gary Mitchell and Gregory M. Webb

2. Name and address of receiving party(ies):

Nautilus Human Performance Systems, Inc.
709 Powerhouse Road
Independence, Virginia 24318

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- ☒ Assignment
☐ Merger
☐ Security Agreement
☐ Change of Name
☐ Other

Execution Date: February 18, 2002

Additional name(s) & address(es) attached? Yes No

4. Application Serial No. 09/998,039 Patent No. _____

If this document is being filed together with a new application, the execution date of the application is: _____

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

James R. Cannon, Esq.
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh NC 27627

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$40.00
☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number: _____

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James R. Cannon, Rec. No. 35,839

James R. Cannon 2/19/02

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 3

Attorney Docket No. 9289-3

ASSIGNMENT

THIS ASSIGNMENT, made by us, Gary Mitchell, citizen of the United States of America, residing at 5630 Wilson Hwy, Independence, Virginia 24348; and Gregory M. Webb, citizen of the United States of America, having a mailing address of P.O. Box 665, Independence, Virginia 24348;

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in RICEPS CURL MACHINE for which an application for United States Letters Patent has been filed under Application No. 09/998,039, on November 30, 2001; and

WHEREAS, Nautilus Human Performance Systems, Inc., a Virginia corporation having a principal place of business at 709 Powerhouse Road, City of Independence, State of Virginia 24348, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or other forms of protection thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted along with any term extensions thereon or therefor, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to promptly communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives; and we hereby instruct, and further covenant and agree to bind our heirs, legal representatives, and assigns, to do same, without further compensation, but at the expense of said assignee or its representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 18th day of February, 2002.

Gary Mitchell (SEAL)
Gary Mitchell

STATE OF VIRGINIA)
) ss:
COUNTY OF Grayson)

Before me personally appeared Gary Mitchell the person described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same for the purposes therein stated, this 18th day of February, 2002.

James C. Pardo
Notary Public

SEAL

My Commission Expires: 1-31-05

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 18th
day of February, 2002.

Gregory M. Webb (SEAL)
Gregory M. Webb

STATE OF VIRGINIA)

COUNTY OF Grayson) ss:

Before me personally appeared Gregory M. Webb the person described in and who
executed the foregoing instrument, and he acknowledged to me that he executed the same for
the purposes therein stated, this 18th day of February, 2002.

Joan A. Parke
Notary Public

SEAL

My Commission Expires: 1-31-05